

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-HC-2104-D

RICKY FREEMAN,)
)
Petitioner,)
)
v.) **ORDER**
)
FAYE DANIELS,)
)
Respondent.)

On November 21, 2018, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) and recommended that the court dismiss Ricky Freeman’s (“Freeman” or “petitioner”) 28 U.S.C. § 2254 petition as successive [D.E. 5]. Despite receiving an extension of time to do so [D.E. 7], Freeman did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted). The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 5].

In sum, the court ADOPTS the conclusions in the M&R [D.E. 5] and DISMISSES Freeman’s petition as successive. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c);

Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 483–84 (2000). The clerk shall close the case.

SO ORDERED. This 4 day of April 2019.

J. Dever
JAMES C. DEVER III
United States District Judge